

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)
)
Application of)
ALEE CELLULAR COMMUNICATIONS) **WT Docket No. 02-28**
)

WRITTEN DIRECT TESTIMONY

OF

VINCENT DI COSTANZO

1 **Q. Please state your name and current address.**

2 A. My name is Vincent Di Costanzo. My current address is 1132 Kingsway Drive,
3 Virginia Beach, Virginia 23455.

4 **Q. Please provide us with a brief biographical sketch highlighting your**
5 **education and business activities.**

6 A. I was born March 13, 1962 in New York City. I graduated from high school in
7 1980 and I attended Fairleigh Dickenson University in 1983-85.

8 I am currently employed by Panalpina, Inc., as Branch Manager for the Norfolk,
9 Virginia operation.

10 I am licensed by the U.S. Treasury as a customs house broker. I have been a
11 customs house broker since 1988 which allows me to conduct and control
12 business on behalf of U.S. importers and the U.S. Customs Service.

13 I was President of the Richmond Custom House Brokers and International
14 Freightforwarders Association of Virginia from 1994 to 1997. I was a director of

Federal Communications Commission

Docket No. 10-28 Entry No. 1122 (43)

Presented by THH

Disposition
Identified ☒
Received ☒
Referred ☐

Report liberal

Date 10/22/02

1 the Richmond Export/Import Club from 1996 to 2000. I am currently a member
2 of the Board of Governors of the Propeller Club of the United States, Port of
3 Norfolk.

4 **Q. When and under what circumstances did you become a partner in Alee**
5 **Cellular Communications?**

6 A. I became a partner in Alee Cellular as a result of my financial planner advising
7 me of this new and exciting opportunity, wherein the FCC was tendering Cellular
8 sites throughout the U.S. by means of a lottery system. For a \$10,000.00
9 investment, I was entitled to a percentage of a partnership that either had entered
10 or was entering into this lottery. I entered into this not only as an investment, but
11 also as an exciting opportunity to be a part of a relatively new and growing
12 industry. Let us not forget, in 1988 cell phones were relatively novel, and usage
13 was by a few and only in select markets. At 26 years old, I wanted to be a part of
14 this industry.

15 **Q. Describe your participation in the Alee partnership?**

16 A. My original interest in the partnership was 4%, and over the years that interest
17 increased when I made additional capital contributions to cover partners who
18 failed to make capital calls. My current interest is 4.2030%. I was most active
19 from 1988-1989 when I was able to attend partnership meetings more frequently.
20 I moved to Virginia in 1989, which made it more difficult to attend meetings.
21 However, I was as active as my geography would allow, participating in
22 conference calls and following through with requested correspondence, votes and
23 decisions.

1 **Q. In the Algreg proceeding, Alee was found to have misrepresented and/or**
2 **lacked candor in its dealings with the Federal Communications Commission.**
3 **What has changed to ensure truth and candor on the part of Alee in its**
4 **dealings with the FCC?**

5 A. I have always rejected the thought that Alee intentionally misrepresented and/or
6 lacked candor in our dealings with the FCC. While the partnership must accept
7 responsibility for its actions, the partnership never set out deliberately to
8 misrepresent or deceive the Commission in any respect. In all of my dealings
9 with my fellow partners since the inception of the partnership in 1988, we have
10 always tried to make sure that all partnership activity was in compliance with
11 FCC rules and policies.

12 Since 1990, the partnership has had no relationship with Allan Kane or The
13 Cellular Corporation, the promoters, brokers and preparers of RSA applications.
14 The partnership has hired lawyers committed only to Alee's interests.

15 The legal proceedings and the loss of the New Mexico license has had a profound
16 impact on me as a partner. Based upon my participation in partnership
17 discussions over the last approximately 12 years, I am satisfied that the
18 partnership management structure and its outside advisors have in the past and
19 will in the future ensure truth and candor in our dealings with the Federal
20 Communications Commission. That is not to say that we have not made and will
21 not make mistakes in the future, but there is no reason to believe there will be any
22 lack of candor or misrepresentations by the partnership in its dealings with the
23 Commission. We have learned a hard lesson. Our current partnership structure

1 has worked. To my knowledge the partnership has received no citations from the
2 FCC for any rule violations during the buildout and operation of the New Mexico
3 system. Alee built-out a system in New Mexico 3 as part of a nationwide,
4 cellular system envisioned by the Commission when it adopted its cellular rules.
5 Alee did this despite the legal quagmire in which we found ourselves and the
6 costs related thereto.

7 **Q. What, if anything, would you like to say to the FCC concerning Alee, its**
8 **partners and its ability to comply with the FCC Rules and Policies in the**
9 **future?**

10 A. I am very proud to be a part of this partnership, and I am even more proud of our
11 executive leadership, specifically Bob Bernstein, Becky Jo Clark and Terry Jones.
12 These three individuals did a SPECTACULAR job under INSURMOUNTABLE
13 odds, and while doing so at great personal time and cost, did so in an extremely
14 professional manner. At absolutely NO TIME since we fired Allan Kane, did I
15 feel that I was not fully informed and represented. There were NO moves made
16 without our knowledge and consent, and at ALL TIMES our partnership's
17 interests were WELL REPRESENTED and/or DEFENDED. This attitude and
18 approach will ensure that Alee, in its dealings with the FCC, can be relied upon to
19 follow the rules and to serve the public by building out and operating a cellular
20 telephone system in the Texas 21 market.

21 As a licensed representative of the U.S. Treasury Department, I am more than
22 aware of the need for compliance with and adherence to federal government
23 regulations. Every business day I am responsible for the supervision of others to

1 ensure that our customers are operating within the guidelines described in Title
2 19, Code of Federal Regulations, the Customs regulation. As a partner in Alee, I
3 am committed to making sure that our partnership is in compliance with the rules
4 and regulations of the Federal Communications Commission and that our
5 dealings with the FCC are beyond reproach.